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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,321	09/26/2005	Stephen Guffanti	100842.0005Us	6770
24392 7590 09/19/2008 FISH & ASSOCIATES, PC ROBERT D. FISH 2603 Main Street Suite 1050 Irvine, CA 92614-6232				
EXAMINER				
GEBREMICHAEL, DRUK A				
ART UNIT		PAPER NUMBER		
3714				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,321

Applicant(s)

GUFFANTI, STEPHEN

Examiner

BRUK A. GEBREMICHAEL

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 06/15/2005
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- Claims 15-18 are rejected under 35 U.S.C. 101 because the claimed invention is drawn to a non-statutory subject matter.

A patentable subject matter falls within one of the following four categories of 35 U.S.C 101: process, machine, manufacture or composition of matter.

Since the independent claim 15 does not fall in any of these statutory categories, claims 15-18 are not patentable. In addition, the above claims are not supported by either a specific and substantial asserted utility or a well-established utility (i.e. the claims do not have any specific steps or structure that falls under the 35 U.S.C. 101 statutory categories). Claim 15 appears to be merely a printed matter.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- Claims 2-6, 13-14, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 2-6 and 13-14, these claims recite the limitation "*clarifying symbols*" in line 1 of claims 2-6, 13, and in line 3 of claim 14. There is insufficient antecedent basis for this limitation in the claim.

In addition, the phrase "90%" in line 1 of claim 3 renders the claim indefinite since it is not clear what limitation is encompassed in the scope of the claim.

With regard to claim 18, the claim recites the limitation, "using *symbols* of the initial teaching alphabet of claim 15" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- Claims 1-2, 7-13, 15 and 18-20 are rejected under 35 U.S.C. 102(e) as being unpatentable over Rai 6,604,947.

Rai discloses an invention for aiding learning proper English that teaches the following claimed limitations,

Regarding claim 1, a system for teaching phonics, comprising a visual representation of a plurality of words using ordinary spelling, and adjacently positioned

symbols that consist primarily or entirely of the letters of a standard alphabet are used assist in sounding out the words (col.1, lines 42-47 and also see FIG 2),

Regarding claim 2, the clarifying symbols are omitted for at least some of the letters (FIG 2),

Regarding claims 7 and 8, a prompt to show when a plurality of the letters form a blended sound; the prompt comprises underlining of the plurality of the letters (FIG 3, e.g. see choir),

Regarding claim 9, a coloration of a selected one of the standard letters to show that such letter is silent in the word (col.6, lines 25-31),

Regarding claims 10 and 11, a modification of a selected one of the standard letters to show that such letter is either silent or sounds according to the adjacent phonetic symbol; the modification comprises representing the selected letter using a particular coloration (col.4, lines 26-35),

Regarding claim 12, differences in case of the letters are not used to represent differences in sound (FIG 2, e.g. see *dog*, *solider*),

Regarding claim 13, the adjacently positioned clarifying symbols are placed below corresponding ones of the standard letters of at least some of the words (FIG 2),

Regarding claim 15, an initial teaching alphabet consisting substantially of the letters a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q, r, s, t, u, v, w, x, y, z, and combinations of the letters, in which words are regularly written using their ordinary spellings (col.1, lines 56-60 and also FIG 5),

Regarding claim 18, displaying a line of words with ordinary spelling, and using symbols of the initial teaching alphabet of claim 15 to accompany some of the letters of the words (FIG 10, e.g. see the first row),

Regarding claim 19, displaying display a sentence of at least five words with ordinary spelling, and placing symbols of initial teaching alphabet below selected ones of the words as aids in pronunciation of the selected words (see FIG 10, e.g. see the first row),

Regarding claim 20, displaying at least one of the words without a corresponding one of the pronunciation aids (FIG 10, e.g. see the word "big" in the first row).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rai 6,604,947.

Regarding claims 3 and 4, Rai teaches the claimed limitation as discussed above. Rai further teaches, at least 90% of the clarifying symbols consists of standard letters; all of the clarifying symbols consist of standard letters (also see FIG 3).

Here, even if Rai does not explicitly state or indicate any percentage or numerical value regarding the symbols used in his invention, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to recognize the fact that

the symbols used to aid the soundings of the words in Rai's disclosure have standard letters, and therefore this feature does not distinguish the current invention from the prior arts.

- Claims 5 and 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rai 6,604,947 in view of Sutherland 5,214,745.

Regarding claims 5 and 6, Rai teaches the claimed limitations as discussed above.

Even if Rai does not explicitly state the number of phonograms, it teaches the standard letters and the clarifying symbols together comprises an initial teaching alphabet (e.g. see FIG 2 and FIG 3).

However regarding claims 5 and 6, Sutherland teaches, the standard letters and the clarifying symbols together comprises an initial teaching alphabet consisting of less than 44 phonograms; the standard letters and the clarifying symbols together consists of 36 phonograms (col.21, lines 52-55 and FIG 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Rai in view of Sutherland by incorporating the 36 phonemes into Rai's chart in order to represent the phonemes used to verbalize the majority of phrases within the English language, there by helping the student to pronounce any given word.

- Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rai 6,604,947 in view of Esbensen 4,196,529.

Regarding claim 14, Rai teaches the claimed limitations as discussed above.

However, Rai does not teach, a reading assist card having a window sized and dimensioned to focus attention on a subset of the words and corresponding ones of the adjacently positioned clarifying symbols.

Esbensen discloses a teaching device and method that teaches, a reading assist card having a window sized and dimensioned to focus attention on a subset of the words and corresponding ones of the adjacently positioned clarifying symbols (col.4, lines 7-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Rai in view of Esbensen by incorporating a window card that has opening to Rai's invention in order to help the student to learn the words in such a way that when the teacher reads a given word, the student attempts to get the letters that make the word through the openings of the window card, thereby learning the correct spellings.

- Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rai 6,604,947 in view of MacMillan 6,468,084.

Regarding claims 16 and 17, Rai teaches the claimed limitations as discussed above.

However, Rai does not explicitly teach, single ones of the letters represent corresponding short vowel sounds; combinations of the letters represent long vowel sounds.

Macmillan discloses a system and method for literacy development that teaches, single ones of the letters represent corresponding short vowel sounds; combinations of the letters represent long vowel sounds (col.11, lines 4-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Rai in view of MacMillan by representing short vowel sound with unit symbols (e.g. 'a' representing the speech sound of "at" as taught by MacMillan) and long vowel sounds with two or more letters (e.g. 'ai' representing the speech sound of "aim", also as taught by MacMillan) in order to help the student to easily distinguish long vowel sounds and short vowel sounds, thereby facilitating the learning process.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruk A. Gebremichael whose telephone number is (571) 270-3079. The examiner can normally be reached on Monday to Friday (7:30AM-5:00PM) ALT. Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bruk A Gebremichael/
Examiner, Art Unit 3714

/XUAN M. THAI/

Supervisory Patent Examiner, Art Unit 3714